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LB 284, 318

SPEAKER KRISTENSEN: (LB) 284 advances. LB 318.

CLERK: (LB) 318, Mr. President, by Senator Brashear. (Read title.) The bill was introduced on January 12, referred to Judiciary Committee, advanced to General File. I have no amendments to the bill.

SPEAKER KRISTENSEN: Senator Brashear, you're recognized to open on the bill.

SENATOR BRASHEAR: Mr. Speaker, members of the body, Legislative Bill 318 responds to the case of in re, Estate of Peterson, decided by the Nebraska Supreme Court on March 27, 1998. Present statutes provide for a personal property exemption to which a surviving spouse or surviving children, if there is no surviving spouse, are entitled to from an estate. The section provides for an exemption of up to \$5,000 from the value of household furniture, automobiles and personal effects in excess of any security interest therein. If there is no surviving spouse, children of the decedent are entitled jointly to the same value. In the Peterson decision, the Supreme Court held that the son of a decedent was entitled to a share of the \$5,000 personal property exemption, even though the decedent had specifically disinherited the son in his will. LB 318 will reverse the Peterson decision and permit a decedent to provide that a child take nothing from the estate by disinheriting the child in his or her will. Prior to the Peterson decision, Nebraska attorneys with active estate planning practices had assumed that disinheriting a child in the will would also preclude the child from receiving property from the estate under the personal property exemption. Accordingly, LB 318 will retain the intent of numerous existing estate planning documents which have been drafted and executed in prior years in good faith reliance upon the prior state of law. It will also prevent the need to redraft the documents because of the Peterson decision. I would urge the adopt...the advancement of the bill. Thank you.

SPEAKER KRISTENSEN: Debate on advancement of the bill? Senator Brashear waives closing. The question before the body is the advancement of 318 to E & R Initial. All those in favor vote